TITLE 326 AIR POLLUTION CONTROL BOARD

DRAFT RULE
LSA Document #06-604

DIGEST

Adds 326 IAC 8-14 concerning volatile organic compound emissions and limitations applicable to architectural and industrial maintenance coatings. Effective 30 days after filing with the Publisher.

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326 IAC 8-14

DRAFT RULE

SECTION 1. 326 IAC 8-14 IS ADDED TO READ AS FOLLOWS:

Rule 14. Architectural and Industrial Maintenance (AIM) Coatings

326 IAC 8-14-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 1. This rule applies to any person who supplies, sells, offers for sale, or manufactures any AIM coating for use within the state of Indiana, as well as any person who applies or solicits the application of any AIM coating within the state of Indiana, except for the following:

(1) Any AIM coating that is sold or manufactured for:
(A) use outside of the state of Indiana; or
(B) shipment to other manufacturers for reformulation or repackaging.
(2) Any aerosol coating product.
(3) Any AIM coating that is sold in a container with a volume of one (1) liter (one and fifty-seven thousandths (1.057) quarts) or less.

(Air Pollution Control Board; 326 IAC 8-14-1)

326 IAC 8-14-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 2. The following definitions apply throughout this rule:

(1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means.

(2) "Aerosol coating product" means a pressurized coating product containing pigments or resins that:

(A) dispenses product ingredients by means of a propellant; and

(B) is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic or ground marking applications.

(3) "AIM coatings" means architectural and industrial maintenance coatings.

(4) "Antenna coating" means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

(5) "Antifouling coating" means a coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136).

(6) "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to, any of the following:

(A) Bathroom and kitchen fixtures.

(B) Cabinets.

(C) Concrete forms.

(D) Doors.

(E) Elevators.

(F) Fences.

(G) Hand railings.

(H) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools.

(I) Lampposts.

(J) Partitions.

(K) Pipes and piping systems.

(L) Rain gutters and downspouts.

(M) Stairways.

(N) Fixed ladders.

(O) Catwalks and fire escapes.

(P) Window screens.

(7) "Architectural coating" means a coating to be applied to any of the following:

(A) Stationary structures or the appurtenances at the site of installation.
(B) Portable buildings at the site of installation.
(C) Pavements.
(D) Curbs.

The term does not include adhesives, coatings applied in shop applications, or coatings applied to nonstationary structures, such as airplanes, ships, boats, railcars, and automobiles.

(8) "Bitumens" means black or brown materials, including, but not limited to, asphalt, tar, pitch, or asphaltite, that:

(A) are soluble in carbon disulfide;
(B) consist mainly of hydrocarbons; and
(C) are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

(9) "Bituminous roof coating" means a coating that incorporates bitumens that is labeled and formulated exclusively for roofing.

(10) "Bituminous roof primer" means a primer that incorporates bitumens that is labeled and formulated exclusively for roofing.

(11) "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

(12) "Calcimine recoaters" means flat solvent borne coatings formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

(13) "Clear brushing lacquers" means clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, that are:

(A) intended exclusively for application by brush; and
(B) labeled as specified in section 4(5) of this rule.

(14) "Clear wood coatings" means clear and semitransparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

(15) "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, the following:

(A) Paints.
(B) Varnishes.
(C) Sealers.
(D) Stains.

(16) "Colorant" means a concentrated pigment dispersion of water, solvent, or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

(17) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

(18) "Concrete surface retarder" means a mixture of retarding ingredients, such as:

(A) extender pigments;
(B) primary pigments;
(C) resin; and
(D) solvent;

that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

(19) "Conjugated oil varnish" means a clear or semitransparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (tung oil) and modified with other natural or synthetic resins, a minimum of fifty percent (50%) of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.

(20) "Conversion varnish" means a clear acid-curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two (2) component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. Film formation is the result of an acid-catalyzed condensation reaction, affecting a transetherification at the reactive ethers of the amino resins.

(21) "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

(22) "Exempt compound" means a compound identified as exempt under the definition of VOC. The exempt compounds content of a coating shall be determined in accordance with Method 24 of 40 CFR Part 60, Appendix A* or SCAQMD Method 303-91 "Determination of Exempt Compounds", approved June 1, 1991, and revised February 1993*.

(23) "Faux finishing coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, the following:

(A) Dirt.
(B) Old age.
(C) Smoke damage.
(D) Simulated marble.
(E) Simulated wood grain.

(24) "Fire-resistive coating" means an opaque coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been:

(A) fire tested and rated by a nationally recognized testing organization; and
(B) approved for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements.

The fire-resistive coating shall be tested in accordance with ASTM E119-05a "Standard Test Methods for Fire Tests of Building Construction and Materials", November 2005*.

(25) "Fire-retardant coating" means a coating labeled and formulated to retard ignition and flame spread, that has been:

(A) fire tested and rated by a nationally recognized testing organization; and

(B) approved for use in bringing building and construction materials into compliance with federal, state, and local building code requirements.

The fire-retardant coating shall be tested in accordance with ASTM E84-05e1 "Standard Test Method for Surface Burning Characteristics of Building Materials", February 2005*.

(26) "Flat coating" means a coating that:

(A) is not defined under any other definition in this rule; and

(B) registers a gloss less than fifteen (15) on an eighty-five (85) degree gloss meter or less than five (5) on a sixty (60) degree gloss meter according to ASTM D523-89 "Standard Test Method for Specular Gloss", May 1999*.

(27) "Floor coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, the following:

(A) Decks.

(B) Porches.

(C) Steps.

(D) Other horizontal surfaces that may be subjected to foot traffic.

(28) "Flow coating" means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

(29) "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

(30) "Graphic arts coating or sign paint" means a coating labeled and formulated for hand application by artists using brush or roller techniques to indoor and outdoor signs, excluding structural components, and murals including the following:

(A) Letter enamels.

(B) Poster colors.

(C) Copy blockers.

(D) Bulletin enamels.

(31) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(32) "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high energy impact damage by floating ice or debris.

(33) "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, or topcoats, formulated for application to substrates exposed to one (1) or more of the following extreme environmental conditions and labeled as specified in section 4(4) of this rule:

(A) Immersion in water, wastewater, or chemical solutions (aqueous and nonaqueous solutions), or chronic exposures of interior surfaces to moisture condensation.

(B) Acute or chronic exposure to:

(i) corrosive, caustic, or acidic agents;

(ii) chemicals;

(iii) chemical fumes; or

(iv) chemical mixtures or solutions.

(C) Repeated exposure to temperatures above one hundred twenty-one (121) degrees Celsius (two hundred fifty (250) degrees Fahrenheit).

(D) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents.

(E) Exterior exposure of metal structures and structural components.

(34) "Lacquer" means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to:

(A) dry by evaporation without chemical reaction; and

(B) provide a solid, protective film.

(35) "Low-solids coating" means a coating containing twelve-hundredths (0.12) kilogram or less of solids per liter (one (1) pound or less of solids per gallon) of coating material.

(36) "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

(37) "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

(38) "Mastic texture coating" means a coating labeled and formulated to:

(A) cover holes and minor cracks; and

(B) conceal surface irregularities;

that is applied in a single coat of at least ten mils (0.010 inch) dry film thickness.

(39) "Metallic pigmented coating" means a coating containing at least forty-eight (48) grams of elemental metallic pigment per liter of coating as applied (four-tenths (0.4) pounds per gallon) when tested in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", July 1996*.

(40) "Multicolor coating" means a coating that:

(A) is packaged in a single container; and

(B) exhibits more than one (1) color when applied in a single coat.

(41) "Nonflat coating" means a coating that:

(A) is not defined under any other definition in this rule; and

(B) registers a gloss of fifteen (15) or greater on an eighty-five (85) degree gloss meter and five (5) or greater on a gloss meter when held at a sixty (60) degree angle according to ASTM D523-89 "Standard Test Method for Specular Gloss", May 1999*.

(42) "Nonflat-high-gloss coating" means a nonflat coating that registers a gloss of seventy (70) or above on a sixty (60) degree gloss meter according to ASTM D523-89 "Standard Test Method for Specular Gloss", May 1999*.

(43) "Nonindustrial" use means any use of architectural coatings except in the construction or maintenance of any of the following:

(A) Facilities used in the manufacturing of goods and commodities.

(B) Transportation infrastructures, including the following:

(i) Highways.

(ii) Bridges.

(iii) Airports.

(iv) Railroads.

(C) Facilities used in mining activities, including petroleum extraction.

(D) Utilities infrastructures, including power generation and distribution and water treatment and distribution systems.

(44) "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces, such as steel (or concrete), that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure and be tested in accordance with ASTM Method D4082-89 "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants", January 2002*. These coatings must also be relatively easy to decontaminate and resistant to various chemicals to which coatings are likely to be exposed and be tested in accordance with ASTM Method D3912-80 "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants", approved January 2001*.

(45) "Person" has the meaning set forth in IC 13-11-2-158(a).

(46) "Postconsumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer. The term does not include manufacturing wastes.

(47) "Pretreatment wash primer" means a primer that:

(A) contains a minimum of five-tenths percent (0.5%) acid, by weight, when tested in accordance with ASTM D1613-03 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products", October 2003*; and

(B) is labeled and formulated for application directly to bare metal surfaces to:

(i) provide corrosion resistance; and

(ii) promote adhesion of subsequent topcoats.

(48) "Primer" means a coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.

(49) "Quick-dry enamel" means a nonflat coating that is labeled as specified in section 4(8) of this rule and that is formulated to have the following characteristics:

(A) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen (16) and twenty-seven (27) degrees Celsius (sixty (60) and eighty (80) degrees Fahrenheit).

(B) When tested in accordance with ASTM D1640-03 "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003*:

(i) sets to touch in two (2) hours or less;

(ii) is tack free in four (4) hours or less;

(iii) dries hard in eight (8) hours or less by the mechanical test method; and

(iv) has a dried film gloss of seventy (70) or above on a sixty (60) degree meter.

(50) "Quick-dry primer, sealer, and undercoater" means a primer, sealer, or undercoater that:

(A) is dry to the touch in thirty (30) minutes; and

(B) can be recoated in two (2) hours when tested in accordance with ASTM D1640-03 "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature", December 2003*.

(51) "Recycled coating" means an architectural coating formulated such that not less than fifty percent (50%) of the total weight consists of secondary and postconsumer coating, with not less than ten percent (10%) of the total weight consisting of postconsumer coating.

(52) "Residence" means areas where people reside or lodge, including, but not limited to, the following:

(A) Single and multiple family dwellings.

(B) Condominiums.

(C) Mobile homes.

(D) Apartment complexes.

(E) Motels.

(F) Hotels.

(53) "Roof coating" means a nonbituminous coating labeled and formulated exclusively for application to roofs for the primary purposes of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. The term does not include metallic pigmented roof coatings that qualify as metallic pigmented coatings. These roof coatings shall be considered to be in the metallic pigmented coatings category.

(54) "Rust preventive coating" means a coating:

(A) formulated:

(i) exclusively for nonindustrial use; and

(ii) to prevent the corrosion of metal surfaces; and

(B) labeled as specified in section 4(6) of this rule.

(55) "Sanding sealer" means a clear or semitransparent wood coating labeled and formulated for application to bare wood to:

(A) seal the wood; and

(B) provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings.

The term does not include a sanding sealer that also meets the definition of a lacquer, but it is included in the lacquer category.

(56) "SCAQMD" means the South Coast Air Quality Management District in California.

(57) "Sealer" means a coating labeled and formulated for application to a substrate to prevent:

(A) subsequent coatings from being absorbed by the substrate; or

(B) harm to subsequent coatings by materials in the substrate.

(58) "Secondary coating (rework)" means a fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value. The term does not include excess virgin resources of the

manufacturing process.

(59) "Shellac" means a clear or opaque coating:

(A) formulated solely with the resinous secretions of the lac beetle (Laciffer lacca);

(B) thinned with alcohol; and

(C) formulated to dry by evaporation without a chemical reaction.

(60) "Shop application" means an application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a:

(A) manufacturing;

(B) production; or

(C) repairing;

process.

(61) "Solicit" means to require for use or to specify, by written or oral contract.

(62) "Specialty primer, sealer, and undercoater" means a coating:

(A) labeled as required in section 4(7) of this rule; and

(B) formulated for application to:

(i) a substrate to seal fire, smoke, or water damage;

(ii) condition excessively chalky surfaces;

(iii) seal in efflorescence; or

(iv) block stains.

An excessively chalky surface is one that is defined as having a chalk rating of four (4) or less as determined by ASTM D4214-98 "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films", August 1998*.

(63) "Stain" means a clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

(64) "Stone consolidant" means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must:

(A) penetrate into stone substrates to create bonds between particles and consolidate deteriorated material; and

(B) be specified and used in accordance with ASTM E2167-01 "Standard Guide for Selection and Use of Stone Consolidants"*.

(65) "Swimming pool coating" means a coating labeled and formulated to:

(A) coat the interior of swimming pools; and

(B) resist swimming pool chemicals.

(66) "Swimming pool repair and maintenance coating" means a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

(67) "Temperature-indicator safety coating" means a coating labeled and formulated as a color-changing indicator coating for:

(A) the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment; and

(B) application to substrates exposed continuously or intermittently to temperatures above two hundred four (204) degrees Celsius (four hundred (400) degrees Fahrenheit).

(68) "Thermoplastic rubber coating and mastics" means a coating or mastic:

(A) formulated and recommended for application to roofing or other structural surfaces; and

(B) that incorporates not less than forty percent (40%) by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to:

(i) fillers;

(ii) pigments; and

(iii) modifying resins.

(69) "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

(70) "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, the following:

(A) Curbs.

(B) Berms.

(C) Driveways.

(D) Parking lots.

(E) Sidewalks.

(F) Airport runways.

(71) "Undercoater" means a coating labeled and formulated to provide a smooth surface for subsequent coatings.

(72) "U.S. EPA" means United States Environmental Protection Agency.

(73) "Varnish" means a clear or semitransparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction. Varnishes may contain small amounts of pigment to:

(A) color a surface; or

(B) control the final sheen or gloss of the finish.

(74) "Volatile organic compound" or "VOC" means a compound as defined in 326 IAC 1-2-90.

(75) "Waterproofing concrete or masonry sealer" means a clear or pigmented coating that is labeled and formulated for sealing concrete and masonry to provide resistance against the following:

(A) Water.

(B) Alkalis.

(C) Acids.

(D) Ultraviolet light.

(E) Staining.

(76) "Waterproofing sealer" means a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

(77) "Wood preservative" means a coating:

(A) labeled and formulated to protect exposed wood from decay or insect attack; and

(B) that is registered with the U.S. EPA under the Federal Insecticide, Fungicide,

and Rodenticide Act (7 U.S.C. Section 136).

*** These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**
(Air Pollution Control Board; 326 IAC 8-14-2)

326 IAC 8-14-3 Standards for AIM coatings
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. (a) Except as provided in subsections (c) and (d), on or after January 1, 2011, no person shall:
(1) manufacture, blend, or repackage for sale within the state of Indiana;
(2) supply, sell, or offer for sale within the state of Indiana; or
(3) solicit for application or apply within the state of Indiana;
any AIM coating with a VOC content in excess of the corresponding limit specified in subsection (b).

(b) Compliance with the VOC content limits shall not exceed the following limits:

Coating Category	VOC Limit (grams/liter)	VOC Limit (pounds/gallon)
Flat coatings	100	0.83
Nonflat coatings	150	1.25
Nonflat-high-gloss coatings	250	2.08
Specialty coatings:		
Antenna coatings	530	4.42
Antifouling coatings	400	3.33
Bituminous roof coatings	300	2.50
Bituminous roof primers	350	2.92
Bond breakers	350	2.92
Calcimine recoaters	475	3.96
Clear wood coatings:		
Clear brushing lacquers	680	5.67
Lacquers, including clear lacquer sanding sealers	550	4.59
Sanding sealers, excluding clear lacquers	350	2.92
Varnishes other than conversion varnishes	350	2.92
Conjugated oil varnish	450	3.75
Conversion varnish	725	6.04
Concrete curing compounds	350	2.92
Concrete surface retarders	780	6.50

Dry fog coatings	**400**	**3.33**
Faux finishing coatings	**350**	**2.92**
Fire-resistive coatings	**350**	**2.92**
Fire-retardant coatings (clear)	**650**	**5.42**
Fire-retardant coatings (opaque)	**350**	**2.92**
Floor coatings	**250**	**2.08**
Flow coatings	**420**	**3.50**
Form-release compounds	**250**	**2.08**
Graphic arts coatings (sign paints)	**500**	**4.17**
High temperature coatings	**420**	**3.50**
Impacted immersion coatings	**780**	**6.50**
Industrial maintenance coatings	**340**	**2.83**
Low-solids coatings	**120**	**1.00**
Magnesite cement coatings	**450**	**3.75**
Mastic texture coatings	**300**	**2.50**
Metallic pigmented coatings	**500**	**4.17**
Multicolor coatings	**250**	**2.08**
Nuclear coatings	**450**	**3.75**
Pretreatment wash primers	**420**	**3.50**
Primers, sealers, and undercoaters	**200**	**1.67**
Quick-dry enamels	**250**	**2.08**
Quick-dry primers, sealers, and undercoaters	**200**	**1.67**
Recycled coatings	**250**	**2.08**
Roof coatings	**250**	**2.08**
Rust preventive coatings	**400**	**3.33**
Shellacs (clear)	**730**	**6.09**
Shellacs (opaque)	**550**	**4.59**
Specialty primers, sealers, and undercoaters	**350**	**2.92**
Stains	**250**	**2.08**
Stone consolidants	**450**	
Swimming pool coatings	**340**	**2.83**
Swimming pool repair and maintenance coatings	**340**	**2.83**
Temperature-indicator safety coatings	**550**	**4.59**
Thermoplastic rubber coatings and mastics	**550**	**4.59**
Traffic marking coatings (ozone season-May 1 to September 30)	**91**	**0.76**
Traffic marking coatings (nonozone season- October 1 to April 30)	**150**	**1.25**
Waterproofing sealers	**250**	**2.08**
Waterproofing concrete or masonry sealers	**400**	**3.33**

Wood preservatives	**350**	**2.92**
Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams per liter.		

(c) If anywhere on the container of an AIM coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition or is recommended for use for more than one (1) of the categories listed in subsection (b), then the category with the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified as follows:

(1) Lacquer coatings, including lacquer sending sealers.
(2) Metallic pigmented coatings.
(3) Shellacs.
(4) Fire-retardant coatings.
(5) Pretreatment wash primers.
(6) Industrial maintenance coatings.
(7) Low-solids coatings.
(8) Wood preservatives.
(9) High temperature coatings.
(10) Temperature-indicator safety coatings.
(11) Antenna coatings.
(12) Antifouling coatings.
(13) Flow coatings.
(14) Bituminous roof primers.
(15) Specialty primers, sealers, and undercoaters.
(16) Thermoplastic rubber coatings and mastics.
(17) Calcamine recoaters.
(18) Impacted immersion coatings.
(19) Nuclear coatings.

(d) The following sell through provisions apply to AIM coatings:
(1) A coating manufactured prior to January 1, 2011, may be sold, supplied, or offered for sale until January 1, 2014.
(2) A coating manufactured before January 1, 2011, may be applied at any time both before and after January 1, 2011, so long as the coating complied with the standards in effect at the time the coating was manufactured.
(3) The provisions in subdivisions (1) and (2) do not apply to any coating that does not display the date or date code required by section 4(1) of this rule.

(e) The following work practices are required:
(1) All AIM coatings containers used to apply the contents therein to a surface directly from the container by:
(A) pouring;
(B) siphoning;
(C) brushing;

(D) rolling;
(E) padding;
(F) ragging; or
(G) other means;

shall be closed when not in use.

(2) Containers of any VOC-containing materials used for thinning and cleanup shall be closed when not in use.

(f) No person who applies or solicits the application of any AIM coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in subsection (b).

(g) No person shall apply or solicit the application of any rust preventative coating for industrial use, unless the rust preventative coating complies with the industrial maintenance coating VOC content limit specified in subsection (b).

(h) If a coating does not meet any of the definitions for the specialty coatings categories listed in subsection (b), the VOC content limit shall be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high-gloss coating as defined in section 2 of this rule. The corresponding flat or nonflat coating VOC content limit shall apply.
(Air Pollution Control Board; 326 IAC 8-14-3)

326 IAC 8-14-4 Container labeling
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 4. On and after January 1, 2011, each manufacturer of any AIM coating subject to this rule shall prominently display the following information on the coating container or label in which the coating is sold or distributed:

(1) A date code, as follows:

(A) The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container.

(B) If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the department.

(2) Thinning recommendations, as follows:

(A) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container.

(B) This requirement does not apply to the thinning of architectural coatings with water.

(C) If thinning of a coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

(3) VOC content, as follows:

(A) Each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning recommended by the manufacturer.

(B) VOC content shall be displayed in grams of VOC per liter of coating.

(C) VOC content displayed shall be:

(i) calculated using product formulation data; or

(ii) determined using the test methods in section 6(b) of this rule.

The equations in section 6(a) of this rule shall be used to calculate VOC content.

(4) The label or the lid of the container in which an industrial maintenance coating is sold or distributed shall display one (1) or more of the following industrial maintenance coatings descriptions:

(A) "For industrial use only".

(B) "For professional use only".

(C) "Not for residential use".

(D) "Not intended for residential use".

(5) The labels of all clear brushing lacquers shall prominently display the following statements:

(A) "For brush application only".

(B) "This product must not be thinned or sprayed".

(6) The labels of all rust preventive coatings shall prominently display the statement "For metal substrates only".

(7) The labels of all specialty primers, sealers, and undercoaters shall prominently display one (1) or more of the following descriptions:

(A) "For blocking stains".

(B) "For fire-damaged substrates".

(C) "For smoke-damaged substrates".

(D) "For water-damaged substrates".

(E) "For excessively chalky substrates".

(F) "To seal in efflorescence".

(8) The labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time.

(9) The labels of all nonflat-high-gloss coatings shall prominently display the words "High Gloss".

(10) The labels of all stone consolidants shall prominently display the statement "Stone Consolidant–For Professional Use Only".

(Air Pollution Control Board; 326 IAC 8-14-4)

326 IAC 8-14-5 Recordkeeping and reporting requirements

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 5. (a) Each manufacturer of a product subject to a VOC content limit in section 3(b) of this rule shall keep records demonstrating compliance with the VOC content limits. The records shall clearly list each product by all of the following:

(1) Name.

(2) Identifying number if applicable.

(3) VOC content as determined by section 6 of this rule.

(4) Name or names and chemical abstract service (CAS) number of the VOC constituents in the product.
(5) Dates of the VOC content determinations.
(6) Coating category and applicable VOC content limit.

(b) The records required by subsection (a) shall be:
(1) kept for a period not less than five (5) years; and
(2) made available to the department for inspection within ninety (90) days of request.

(c) Each manufacturer shall, upon request of the department, provide data concerning the distribution and sales of coatings subject to a VOC content limit in section 3(b) of this rule. The manufacturer shall within ninety (90) days provide the following information:
(1) The name and mailing address of the manufacturer.
(2) The name, address, and telephone number of a contact person.
(3) The name of the product as it appears on the label and the coating category under which it is regulated, as listed in section 3(b) of this rule.
(4) Whether the coating is marketed for interior use or exterior use, or both.
(5) The number of gallons sold in the state of Indiana in containers greater than one (1) liter.
(6) The actual VOC content and VOC content in grams per liter. If thinning is recommended, list the actual VOC content and VOC content limit after recommended thinning.
(7) The names and CAS number of the VOC constituents in the product.

(d) Manufacturers of an AIM coating that contains perchloroethylene or methylene chloride, shall, within thirty (30) days upon request of the department, submit a report to the department that includes the following information for the product sold in the state during the previous twelve (12) months from the date of the department's request:
(1) The product's brand name and a copy of the product label with the legible usage instructions.
(2) The coating category, listed in section 3(b) of this rule, to which the coating belongs.
(3) The total sales during the twelve (12) month period to the nearest gallon.
(4) The volume percent, to the nearest one-tenth of one percent (0.10%), of perchloroethylene and methylene chloride in the coating.

(e) Manufacturers of recycled coatings shall, within thirty (30) days upon request of the department, submit a letter to the department certifying their status as a recycled paint manufacturer. The report shall include the following information for all recycled coatings for the previous twelve (12) months from the date of the department's request:
(1) The total number of gallons distributed in Indiana during the twelve (12) month period.
(2) A description of the method used by the manufacturer to calculate state distribution.

(f) Manufacturers of bituminous roof coatings or bituminous roof primers shall, within thirty (30) days upon request of the department, submit a report that includes the following

information for the previous twelve (12) months from the date of the department's request:

(1) The total number of gallons of bituminous roof coatings or bituminous roof primers sold in Indiana during the twelve (12) month period.

(2) A description of the method used by the manufacturer to calculate state sales.

(Air Pollution Control Board; 326 IAC 8-14-5)

326 IAC 8-14-6 Compliance provisions and test methods

Authority: IC 13-14-8; IC 13-17-3-4

Affected: IC 13-12

Sec. 6. (a) For the purpose of determining compliance with the VOC content limits in section 3(b) of this rule, the VOC content of a coating shall be determined using the procedures described in subdivision (1) or (2), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. VOC content shall be determined as follows:

(1) With the exception of low-solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where: **VOC Content** = **grams of VOC per liter of coating**

W_s = **weight of volatiles, in grams**

W_w = **weight of water, in grams**

W_{ec} = **weight of exempt compounds, in grams**

V_m = **volume of coating, in liters**

V_w = **volume of water, in liters**

V_{ec} = **volume of exempt compounds, in liters**

(2) For low solid coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds, using the following equation:

$$\text{VOC Content}_{ls} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where: VOC Content_{ls} = **the VOC content of a low-solids coating in grams per liter of coating**

W_s = **weight of volatiles, in grams**

W_w = **weight of water, in grams**

W_{ec} = **weight of exempt compounds, in grams**

V_m = volume of coating, in liters

(b) To determine the physical properties of a coating in order to perform the calculations in subsection (a), the reference method for VOC content is Method 24 of 40 CFR Part 60, Appendix A*, except as provided in subsections (c) and (d). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91* "Determination of Volatile Organic Compounds in Various Materials", February 1996. The exempt compounds content shall be determined by SCAQMD Method 303-91* "Determination of Exempt Compounds", February 1993. To determine the VOC content of a coating, the manufacturer may use Method 24 of 40 CFR Part 60, Appendix A*, or an alternative method, as provided in subsection (c), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended, for example, quality assurance checks, recordkeeping. However, if there are any inconsistencies between the results of a test conducted utilizing Method 24 of 40 CFR Part 60, Appendix A* and any other means for determining VOC content, the results of the test utilizing Method 24 of 40 CFR Part 60, Appendix A* will govern, except when an alternative method is approved as specified in subsection (c). The department may require the manufacturer to conduct an analysis using Method 24 of 40 CFR Part 60, Appendix A*.

(c) The use of alternative test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection (b) after review and approval in writing by the department and the U.S. EPA may be used.

(d) Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of Method 24 of 40 CFR Part 60, Appendix A*. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

***These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**
(Air Pollution Control Board; 326 IAC 8-14-6)

326 IAC 8-14-7 Application of traffic marking materials
Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 7. (a) After January 1, 2011, during the ozone season (May 1 through September 30), no person may cause, allow, or permit the application of traffic marking material that exceeds the following limits:
(1) For traffic marking material that is a liquid at the time of application, the VOC content limits listed in section 3(b) of this rule.
(2) For field-reacted traffic marking material, or for traffic marking material that is not measurable as a liquid at the time of application, a VOC emission rate of three and six-tenths (3.6) kilograms per stripe–kilometer or twelve and two-tenths (12.2) pounds per

stripe–mile.

(b) Any person subject to this section who applies traffic marking material shall maintain the following records:

(1) Types and amounts of traffic marking materials purchased annually.

(2) The VOC content or emission rate of each type of traffic marking material applied in any of the following:

(A) Grams per liter.

(B) Pounds per gallon.

(C) Kilograms per stripe–kilometer.

(D) Pounds per stripe–mile.

(3) Monthly quantities of each type of traffic marking material applied.

(c) The records required in subsection (b) shall be:

(1) kept for a period of five (5) years after the traffic marking material is applied; and

(2) made available to the department for inspection within ninety (90) days of the request.

(Air Pollution Control Board; 326 IAC 8-14-7)